

**GREYHOUND WELFARE & INTEGRITY COMMISSION**

**DISCIPLINARY ACTION DECISION**

<b>Date of decision:</b>	26 March 2020
<b>Decision-maker:</b>	Chief Executive Officer, Judith Lind
<b>Name of relevant person:</b>	Mr John Clarson
<b>Track:</b>	Lismore
<b>Date:</b>	31 December 2019
<b>Rule no.:</b>	Rule 83(2)(a)
<b>Charge(s):</b>	(1) Mr Clarson presented the greyhound 'Kulu Hipster' (" <b>Greyhound</b> ") for the purposes of competing in race 7 at the Lismore meeting on 31 December 2019 in circumstances where the Greyhound was not free of any prohibited substance.
<b>Prohibited substance(s):</b>	Arsenic
<b>Disciplinary action taken:</b>	9-week suspension, wholly suspended (conditionally) Fine: \$750

**REPORT:**

Following receipt of a certificate of analysis from the Racing Analytical Services Laboratory, the Commission conducted an investigation into the results of a pre-race urine sample taken from the greyhound, 'Kulu Hipster' ("**Greyhound**") at the Lismore meeting on 31 December 2019.

Further analysis of the sample was conducted by the Racing Chemistry Laboratory, confirming the presence of arsenic at a mass concentration of greater than 1,600 nanograms per millilitre.

After considering the evidence, the Commission charged Mr Clarson with a breach of Rule 83(2)(a) of the Commission's Greyhound Racing Rules ("**Rules**") given that the pre-race urine sample taken from the Greyhound confirmed the presence of the prohibited substance arsenic above the threshold imposed by Rule 83(11) of 800 nanograms per millilitre.

Mr Clarson admitted the charge at the earliest opportunity.

The disciplinary action was conducted in writing in accordance with the participant's election.

## DECISION:

1. Mr Clarson is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound was presented for race 7 at the Lismore meeting on 31 December 2019 (“Event”) and a pre-Event urine sample was taken from the Greyhound.
2. The pre-Event swab revealed the presence of arsenic at a mass concentration of greater than 1,600 nanograms per millilitre. Arsenic, at a mass concentration greater than 800 nanograms per millilitre is a prohibited substance under Rule 83(11) of the Commission’s Greyhound Racing Rules and category 5 prohibited substances under the NSW greyhound racing penalty guidelines.
3. The Commission charged Mr Clarson under Rule 83(2)(a), which reads:
  - (2) The owner, trainer or person in charge of a greyhound-
    - (a) nominated to compete in an Event;
    - (b) presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or
    - (c) presented for any test or examination for the purpose of a period of incapacitation or prohibition being varied or revokedshall present the greyhound free of any prohibited substance.
4. Mr Clarson admitted the charge, provided written submissions and elected to have the disciplinary proceeding conducted in writing.
5. The Commission found the charge proven and took the following disciplinary action against Mr Clarson:
  1. To suspend his trainer registration held with GWIC for a period of 9 weeks, wholly suspended for 12 months on the condition that, within that 12 month period, Mr Clarson does not breach Rule 83(2) of the Commission’s Greyhound Racing Rules; and
  2. To fine him in the amount of \$750.
6. In taking this disciplinary action, the Commission considered all evidence, including:
  - The length of Mr Clarson’s registration history, having been a registered trainer for approximately 49 years. This was considered as an exceptional circumstance and a significant factor considered in Mr Clarson’s favour;
  - Mr Clarson has no history of any prohibited substance matters;
  - NSW greyhound racing penalty guidelines and precedents;
  - Mr Clarson’s admission of the charge at the earliest opportunity;
  - Mr Clarson’s written submissions in mitigation of penalty, including a reasonable explanation for the source of the positive result, confirmation that he has reviewed and amended his animal husbandry practices and his significant contributions to the industry and personal and financial circumstances.

7. In addition, the Greyhound was disqualified from race 7 at the Lismore meeting on 31 December 2019 pursuant to Rule 83(4).

.....End.....